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## **An Act To Require That a State Road Be in Good Condition before Being Turned over to a Municipality**

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 23 MRSA §651**, as amended by PL 2003, c. 119, §§1 and 2, is further amended by adding after the first paragraph a new paragraph to read:

When the responsibility for maintenance of a section of state or state aid highway is to be transferred to a municipality as a result of the department's discontinuing a highway, or a portion thereof, as a state or state aid highway, the department shall prepare and implement a capital and maintenance plan to ensure that the section of highway is in good repair at the time of transfer. For the purposes of this section, "good repair" means a state of repair such that actions have been taken to reasonably avoid the need for nonroutine maintenance activities, including ditching, maintaining culverts and fixing major structural defects, for a minimum of 10 years and the pavement condition rating of the section of state or state aid highway must be 3.3 or higher as determined by the department at the time of transfer to the municipality.

### **SUMMARY**

The bill requires that the Department of Transportation prepare and implement a capital and maintenance plan to ensure that a section of state or state aid highway is in good repair when transferred to a municipality.